

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**VALENCIA CAPLE, Individually and** : **No. 3:15cv1666**  
**as Parent and Natural Guardian of** :  
**J.M.V., a Minor,** : **(Judge Munley)**  
**Plaintiff** :  
:

v.

**SEARS DEPARTMENT STORES,** :  
**Defendant** :  
.....

**ORDER**

**AND NOW**, to wit, this 15th day of April 2016, it is hereby **ORDERED** that Defendant Sears Department Stores' motion to dismiss Count II, Negligent Infliction of Emotional Distress, (Doc. 3) is **DENIED**. Defendant is further **ORDERED** to answer plaintiffs' complaint within fourteen (14) days from the date of this order.

**BY THE COURT:**

s/ James M. Munley  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**